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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 8, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

v.

CASE NO. PUE0000470

COLUMBIA GAS OF VIRGINIA, INC.

ORDER

On September 8, 2000, the Staff of the State Corporation Commission ("Staff") requested the cancellation of a hearing for a temporary injunction in this matter, ordered by the Commission and scheduled before a Hearing Examiner on September 11, 2000, on the basis that the same is no longer required in the public interest.

In support of its Motion, the Staff stated as follows:

(1) On August 25, 2000, the Commission issued a Rule to Show Cause ("the Rule") in this matter requiring Columbia Gas of Virginia, Inc. ("Columbia Gas" or "the Company") to show cause, if any there be, why the Company should not be found in violation of Virginia Code §§ 56-234, 56-236 and 56-237 for failure to comply with the Company's filed tariffs. At issue is the Company's adjustment of residential customer billing with a temperature compensation factor.

(2) The Rule further directed in ordering paragraphs (1) and (2) that the matter be assigned to a Hearing Examiner for purposes of determining whether the Company should be temporarily enjoined from making such temperature compensation adjustments pending the Commission's final determination in this matter. Ordering paragraph (3) directed the Company

to file a Responsive Pleading on or before September 5, 2000; the Staff is required by ordering paragraph (5) to file a Reply to the Company's Responsive Pleading on or before September 8, 2000.

(3) The Company's Responsive Pleading, dated September 5, stated in paragraph A 11 thereof that "[O]n August 29, 2000, the Company voluntarily terminated this practice pending resolution of this matter by the Commission." The Company further states in paragraph C 2 of the Responsive Pleading that the September 11, 2000 hearing is unnecessary since it has ceased the temperature compensation adjustments in question pending the outcome of this matter. The Staff agreed that such hearing was unnecessary in light of the Company's actions.

Thus, the Staff requested that the September 11, 2000 hearing concerning the issuance of a temporary injunction as described above be ordered cancelled on the grounds that the Company has undertaken to do voluntarily what the Staff had sought by way of such temporary injunction. The Staff further stated that it was authorized to state that the Company joined the Staff in requesting such hearing's cancellation for the reasons set forth in the Staff's motion.

The Staff further requested that the matter be assigned to a Hearing Examiner for further consideration of this matter on the merits, and for such other and further proceedings as may be necessary and appropriate in the public interest.

NOW the Commission, having considered the Motion, is of the opinion and finds that it is appropriate to grant the relief requested by the Staff herein.

Accordingly, IT IS ORDERED THAT:

(1) The hearing before a Hearing Examiner ordered by this Commission in ordering paragraphs (1) and (2) of the Rule for the purpose determining whether a temporary injunction should issue is hereby cancelled on the basis that such hearing is no longer necessary in light of

the Company's representations that (i) it discontinued the temperature compensation adjustments in question effective August 29, 2000, and (ii) the Company will not utilize such temperature compensation adjustments pending the outcome of this matter on the merits.

(2) This matter is assigned to a Hearing Examiner pursuant to Rule 7:1 of the Commission's Rules of Practice and Procedure, 5 VAC 5-10-250, for further consideration of this matter on the merits, and for such other and further proceedings as may be necessary and appropriate in the public interest.